

**American Values, The Constitution,  
and the Beginning of Water Resources Development  
By Martin Reuss**

To understand the development of American water resources, one must first look at American political and social values and at American governmental institutions. Even a cursory examination shows the lasting influence of decisions and attitudes molded as the country took its first hesitant steps as a republic. Historian Joyce Appleby has argued that the first generation of Americans bequeathed "open opportunity, an unfettered spirit of inquiry, [and] personal liberty" to future generations-qualities, we might note, that often introduce an element of uncertainty into public administration. But if we extend the analysis a bit, we might not only gain an appreciation of the many challenges facing water resource developers, but also illuminate a fundamental question facing democratic nations: to what extent should human liberty be constrained in order to provide and manage a human necessity-water.

Beyond Appleby's observations, one notes at least two pervasive elements woven into American political behavior. The first, the inescapable, element is distrust of powerful governments. Power corrupts, the first Americans agreed without much hesitation, and the challenge was how to minimize that corruption, how to ensure that good men will not be enticed to do evil, and how to disperse power to minimize oppression. Loudly over the years, Americans continue to proclaim their distrust of big government; even popular presidents generate skepticism when they appear to reach for increased power and authority. Only as a last resort, and then with resignation, not enthusiasm, as during the Great Depression, do Americans turn to the national government to solve their problems. The result can be truly impressive: Grand Coulee and Bonneville dams, locks and dams on the Upper Mississippi, the California Central Valley Project, and the Los Angeles flood control system all came out of depression-era politics, but arguably all are aberrations in the story of American water resources.

The second element, almost as pervasive as the first, is that power and liberty are fundamental antagonists. The dispersion of power among the three branches of government purposely sets power at war with itself rather than with "life, liberty, and the pursuit of happiness." Each branch would be allowed only sufficient power to discharge official duties, and a system of checks and balances would guard against abuse. Recoiling from British monarchism, the constitutional drafters took special care to try to prevent executive branch intrusions into the duties of the other two branches. This was a system that, regardless of its merits, made implementation of rational planning enormously difficult, as water developers soon appreciated.

Political attitudes were one thing; government structure was another. And here the Founding Fathers developed a system that guaranteed further complications.

They fashioned a republican form of governments within the government. A century later, young political scientist Woodrow Wilson thought that this structure posed the principal challenge to American administration. Few water resource planners would disagree. Republican government, it must be remembered, began in the states, not in the new national capital; delegates to the Continental Congress delayed business so they could go home and participate in state constitutional conventions. The formation of these state governments may have excited Americans more than the latter formation of the union itself, and the American Constitution explicitly guaranteed to each state a republican form of government (Article IV, Section 4). Once the United States achieved its independence, many Americans pondered how citizens could owe allegiance to two governments, two legislatures, simultaneously. Were the states and national government partners or were the states meekly to accept national supremacy? No one at the Constitutional Convention quite knew what to expect from this layer-cake of powers (or was it a marble-cake, twentieth century political scientists later debated), and numerous, contrary explanations emerged of what the delegates had actually achieved. In no area did the confusion become more manifest or disruptive than in internal improvements, especially in water projects that crossed state lines.

The term "internal improvements" came to mean many things to the citizens of the young republic. It included roads, canals, schools, lighthouses, fortifications, and even technological innovations-most anything that seemed to provide security and promote the economy. Gradually, it came to mean something a bit more specific, though still covering (pardon the pun) a large amount of ground: it applied to what we now call "infrastructure," and water transportation was a central concern. Benjamin Franklin had proposed at the Constitutional Convention that Congress have the power to construct canals, but opponents won the day, fearing that Congress would become too powerful. In fact, the term "internal improvements" cannot be found in the American Constitution, an obstacle for those seeking affirmative authority for federal involvement in public works. But neither did the Constitution proscribe the activity, which meant to internal improvement advocates that the function lay legitimately within federal authority. This ambiguity not only produced a constitutional quagmire for internal improvements, but it provided a platform upon which larger issues of the role of government and the nature of liberty could be debated. In short, the internal improvements issue amplified and sharpened the debates about the very nature of American republicanism. By any other name, it continues to serve that function to the present day.

Given Americans' distrust of government and emphasis on personal liberty, America's first politicians, and all the generations following, confronted the difficulty of promoting economic growth without expanding governmental authority. One answer was the corporation, a device that actually predated the Constitution but in the age of internal improvements became much favored. As presumed promoters of the public good, they effectively became agencies of

government. In this way, legislatures could support economic and political development without necessarily involving tax monies. The fact that individual incorporators might thereby profit aroused little concern. The more important point was that corporations brought together sufficient capital to launch an enterprise, whether a canal or a municipal water system. Even if a number of these ventures brought forth charges of corruption, internal improvement advocates ceaselessly trumpeted the moral and intellectual gifts stemming from public works, as though canals were spiritual as well as economic enterprises. To complaints that corporations disenfranchised people and led to the inequitable distribution of wealth, champions argued-somewhat quaintly in light of what subsequently emerged corporations were nothing more than little republics eminently suited for the United States. For better or worse, the victory of the corporation in American life was almost as revolutionary as the victory of republicanism itself, and the alliance between government and corporations became a hallmark of American economic development. Government was not to replace business, but was to support and, within certain limits, protect it.

George Washington and other Federalists had ardently hoped that corporations might provide the capital and means to build internal improvements to bind the nation together and transcend local interests, perhaps leaving overall planning to the national government. But the chance slipped through their hands. The structure of Congress assured that state interests in internal improvements would prevail over national interest. There would be no national board, no national planning. Rather, Congress would periodically pass rivers and harbors acts that generally reflected parochial politics. To stimulate states and the private sector, Congress also provided a percentage of funds obtained from the sale of public lands in new states to finance roads and canals (the three and five percent funds dating back to 1802) and voted to turn over certain lands to states for reclamation (Swampland acts of 1849 and 1850). In a few cases, too, Congress might vote to subscribe to canal stock or even grant land to a company-a practice that presaged the enormous land grants given to railroad companies as they extended their lines across the continent later in the century.

Caught in a congressional quagmire that appeared to offer no rational plan for the development of the country's infrastructure, succeeding presidents attempted to develop some orderly process, but at the same time they worried over possibly unconstitutional intrusions into areas beyond federal authority. We turn our attention to the Executive Branch in part two of this series.

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